

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CODY LYONS,

Plaintiff,

v.

DOORDASH INC.,

Defendant.

Case No. 2:17-cv-01496-BRO-SS

ASSIGNED FOR ALL PURPOSES TO
JUDGE BEVERLY REID O'CONNELL

**ORDER GRANTING JOINT
STIPULATION ORDERING
PLAINTIFF'S CLAIMS INTO
ARBITRATION AND STAYING
PAGA CLAIMS**

Complaint Filed: February 23, 2017

Trial Date: None Set

1 PURSUANT TO THE PARTIES' STIPULATION, IT IS ORDERED:

2 (1) Plaintiff's non-PAGA claims (first through ninth and eleventh causes of
3 action in his Complaint [Dkt.1]) shall be dismissed;

4 (2) Plaintiff's non-PAGA claims shall be resolved in arbitration on an individual
5 basis only, and not on a class or collective action basis;

6 (3) Plaintiff's PAGA claim shall be stayed pending the outcome of the arbitration;

7 (4) Defendant shall pay for the arbitrator's fees and arbitral forum-costs
8 pertaining to the aforementioned arbitration;

9 (5) Each party shall bear his or its respective attorneys' fees incurred in relation
10 to the instant action and the aforementioned arbitration, except as otherwise provided
11 in any award of attorneys' fees (whether sought by cross-claim or otherwise) made by
12 a judge or arbitrator in the instant action or the aforementioned arbitration;

13 (6) Plaintiff may participate in the settlement in *Evan Kissner v. DoorDash, Inc.*,
14 Superior Court of California, County of San Francisco, Case No. CGC-15-548102 and
15 *Cynthia Marciano v. DoorDash, Inc.*, Superior Court of California, County of San
16 Francisco, Case No. CGC-15-5481 until a decision is rendered by the arbitrator on the
17 merits of Plaintiff's claims or unless and until he timely and validly opts-out of said
18 settlement;

19 (7) To the extent Plaintiff does not prevail on his claims in the arbitration,
20 Plaintiff will retain the total amount of any monies he may receive from Defendant as
21 a result of the *Marciano* and *Kissner* settlement; and

22 (8) To the extent Plaintiff does prevail on his claims in the arbitration, the Parties
23 will meet and confer regarding Plaintiff's damages and any potential offset from his
24 damages based on any monies he may receive from Defendant as a result of the
25 *Marciano* and *Kissner* settlement. Should the Parties not come to an agreement
26 regarding damages, they shall submit the dispute to the arbitrator to resolve.

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1 **IT IS HEREBY ORDERED** that this action is removed from the Court's
2 **active caseload until further application by the parties or Order of this Court.**

3 **In order to permit the Court to monitor this action, the Court orders**
4 **Plaintiff(s) to file periodic status reports indicating what steps have been taken to**
5 **complete arbitration. The first such report is to be filed on August 18, 2017, unless**
6 **the stay is lifted sooner. Successive reports shall be filed every 90 days thereafter.**
7 **Each report must indicate on the face page the date on which the next report is**
8 **due.**


9 **All pending calendar dates are vacated by the Court.**

10 **This Court retains jurisdiction over this action and this Order shall not**
11 **prejudice any party to this action.**

12 **IT IS SO ORDERED.**

13 **DATED: May 19, 2017**

14
15 By: _____


Honorable Beverly R. O'Connell
United States District Court Judge